

STATE OF WISCONSIN

CIRCUIT COURT

MANITOWOC COUNTY

05SW53

AFFIDAVIT FOR SEARCH WARRANT

WHEREAS, Sheriff Jerry Pagel of the Calumet County Sheriff's Department, being first duly sworn on oath, states on information and belief that the facts tending to establish the grounds for issuing a search warrant are as follows:

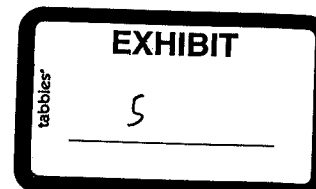
1. Your affiant is a Sheriff with the Calumet County Sheriff's Department. Your affiant has duties that include missing person investigations in and around Calumet County, Wisconsin. On November 5, 2005, the Calumet County Sheriff's Department was requested by the Manitowoc County Sheriff's Department to lead the investigation on behalf of the Manitowoc County Sheriff's Department under the doctrine of mutual aid.
2. Your affiant is informed that on November 3, 2005, at 5 p.m., Karen Halbach contacted the Calumet County Sheriff's Department. Halbach stated that her daughter, Teresa Marie Halbach, DOB: 03/22/1980, had not been seen or heard from since Monday, October 31, 2005. Halbach said it was unusual for Teresa not to have had personal or telephone contact with her family or friends for this length of time. Halbach stated that her daughter was driving a 1999 Toyota Rav 4, dark blue in color.
3. Your affiant is informed that on November 4, 2005, Investigator Dave Remiker of the Manitowoc County Sheriff's Department interviewed Steven A. Avery (DOB: 07/09/1962). Upon speaking with Steven Avery, Avery stated that he resides at 12932 Avery Road in the Town of Gibson, Manitowoc County, Wisconsin. Your affiant states that on November 4, 2005, Steven Avery gave permission for officers to search his residence. Avery also stated that Barbara Janda lives at 12930A Avery Road in the Town of Gibson, Manitowoc County, Wisconsin. Janda's residence is very close in proximity to the location where Teresa Halbach conducted her business on the Avery property on October 31, 2005.
4. Your affiant states that on November 4, 2005, Steven Avery informed officers that Teresa Halbach came to Avery Auto Salvage sometime in the afternoon on October 31, 2005 on behalf of her employer, Auto Trader, in order to photograph a vehicle which Avery was selling. Your affiant is aware that Steven Avery is the last confirmed person to see Teresa Halbach on October 31, 2005.
5. On November 9, 2005, your affiant observed the property and buildings located on Avery Road in the Town of Gibson, County of Manitowoc, Wisconsin, and describes it as follows:

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- (a) 12932 Avery Road, in the Town of Gibson, County of Manitowoc, Wisconsin, occupied by Steven A. Avery, Sr. (DOB: 07/09/1962), more particularly described as follows: a single family trailer, red in color, with white trim around the windows. The trailer has an attached wooden deck and has the number 12932 on the front of the residence next to the front entrance. There is a detached garage next to the residence that is red and blue in color with a single white garage door and a white service door. Your affiant states that based upon interviews conducted during this investigation and the location of personal papers and records during the execution of previous search warrants at 12932 Avery Road, your affiant is able to identify 12932 Avery Road as the residence of Steven A. Avery, Sr.
- (b) Also located on the Avery Auto Salvage property is a trailer with a detached two-stall garage located on the east side near the northeast corner of the Avery Auto Salvage property, occupied by Charles E. Avery (DOB: 07/13/1954). The trailer is unsided on the east side of the trailer and has beige-colored siding on the south side of the trailer. There is a white door located on the east side of the trailer. There is also a two-stall garage with red and blue siding and with two beige garage doors located on the east side of the garage. Your affiant states that based upon interviews conducted during this investigation and the location of personal papers and records during the execution of previous search warrants at this trailer, your affiant is able to identify this trailer as the residence of Charles E. Avery.
- (c) Also located on the Avery Auto Salvage property is a single story trailer with green siding and a metal steel or tin-type roof located on the northeast corner of the Avery Auto Salvage, occupied by Alan K. Avery (DOB: 03/03/1937) and Delores Avery (DOB: 08/20/1937). There is an attached purple or lavender-colored deck on the trailer. The trailer has a detached one-car garage with green siding and a beige garage door. Your affiant states that based upon interviews conducted during this investigation and the location of personal papers and records during the execution of previous search warrants at this trailer, your affiant is able to identify this trailer as the residence of Alan and Delores Avery.
- (d) 12930A Avery Road, in the Town of Gibson, County of Manitowoc, Wisconsin, occupied by Barbara E. Janda (DOB: 11/07/1964), more particularly described as a single family trailer with gray vinyl siding with maroon shutters. The numbers 12930A are located on the front of the residence. 12930A Avery Road has a detached garage with gray siding, two white garage doors and white trim around the windows and doors. Your affiant states that based upon interviews conducted during this investigation and the location of personal papers and records during the execution of previous search warrants at 12930A Avery Road, your affiant is able to identify 12930A Avery Road as the residence of Barbara Janda.

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- (c) The Avery Auto Salvage yard property located on Avery Road in the Town of Gibson, County of Manitowoc, Wisconsin, including residences, garages, outbuildings and vehicles. The auto salvage yard is approximately 40 acres in size and is surrounded by a berm and some fencing. On the property, there are numerous outbuildings and vehicles, those that are operational and also junked and scrapped vehicles, associated with the salvage yard business.
6. Your affiant is informed that on November 5, 2005, officers received information from volunteer searchers that they had located a vehicle matching the description of the vehicle owned by Teresa Halbach at Avery Auto Salvage located 12932 Avery Road, in the Town of Gibson, County of Manitowoc, Wisconsin. Your affiant is informed that Investigator Remiker was provided with the VIN number of the Rav 4 located at Avery Auto Salvage; the searchers provided the VIN #JT3HP10V5X7113044 taken from the vehicle which they located. Investigator Remiker was able to confirm that VIN #JT3HP10V5X7113044 is the correct number for Teresa Halbach's Toyota Rav 4. During a visual observation of the vehicle, Investigator Remiker noted that there were tree branches covering the vehicle and also vehicle parts placed alongside of the vehicle which looked as though someone had attempted to conceal the vehicle.
7. Your affiant was also informed by Investigator Tom Fassbender from the Wisconsin Department of Criminal Investigation that blood was found in the 1999 Toyota Rav 4 belonging to Teresa Halbach and located within the Avery Auto Salvage Compound. Steven Harrington of the State of Wisconsin Crime Laboratory in Madison stated that technicians had located presumptive blood in the rear cargo portion of the vehicle and also in the front of the vehicle in the ignition area. Steve Harrington further indicated that technicians also located visible palm prints on the rear hatch area of the Toyota Rav 4.
8. Your affiant states that on November 5, 2005 Investigator Remiker carried out a physical search of the residence at 12932 Avery Rd., Town of Gibson, Manitowoc County, Wisconsin, the residence of Steven Avery. Investigator Remiker observed a dried red substance which appeared to be blood on the wood trim and side door of Steven Avery's residence. The door and trim was located in close proximity to a bedroom which contained identifiers for Steven Avery. Investigator Remiker also identified a dried red substance which appeared to be blood on the bathroom floor in front of the washer and dryer in the residence of Steven Avery.
9. Your affiant states on November 6, 2005, Investigator Remiker carried out a search of a detached garage next to the Steven Avery residence. Investigator Remiker located approximately seven different locations within the garage floor where a dried red substance which appeared to be blood was found. Investigator Remiker also located approximately eleven spent .22 caliber long rifle shell casings on the floor of the garage. Investigator Remiker also observed a five speed Suzuki Samurai vehicle, green in color. Investigator Remiker noted that there appeared to be latent finger and palm prints on the

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rear window of the vehicle. Investigator Remiker noted that the latent prints were found in close proximity to areas of dried blood on the garage floor.

10. Your affiant states that he was informed by Investigator Wendy Baldwin of the Calumet Sheriff's Dept. that she had found blood on a number of vehicles in the Avery Auto Salvage yard. Officer Baldwin indicated that on November 6, 2005 she was working with a cadaver dog known as Brutus handled by the Great Lakes Search Team. Investigator Baldwin indicated that Brutus "hit" on a plastic tarp that was found over a vehicle. Investigator Baldwin noted that Brutus "hit" on a second gray vehicle in an adjacent location and a subsequent search of the interior of the vehicle identified a rag which appeared to be blood stained. Investigator Baldwin indicated she was present when Brutus "hit" on a third vehicle and a subsequent search identified what appeared to be dried blood in both the front and back seat.
11. During the execution of search warrants of November 5, 2005, officers located a burn barrel near the residence of Steven Avery located at 12932 Avery Road, in the Town of Gibson, County of Manitowoc, Wisconsin. In that burn barrel, officers located burned clothing, a partially burned shovel, and fragments of a Motorola cellular telephone.
12. Officers also utilized trained cadaver dogs and handlers. On two occasions, the cadaver dogs "hit" on Teresa Halbach's Toyota Rav 4 which had been concealed on the Avery Auto Salvage property. Teresa Halbach's body was not located within the vehicle; however, a "hit" from the cadaver dogs indicates that at one time there may have been a corpse or blood in the vehicle.
13. On November 5, 2005, your affiant applied for and was granted search warrants for numerous buildings on the Avery Auto Salvage property, including the residence of Steven Avery located at 12932 Avery Road in the Town of Gibson, County of Manitowoc, State of Wisconsin. During the execution of the search warrant for Steven Avery's residence, officers located several items of restraints within Steven Avery's residence, including handcuffs and leg irons. Your affiant believes these items are capable and intended for use in holding person against their will for activities including sexual assault or other assaultive non-consensual behavior.
14. On November 6, 2005 Deputy Tyson and Deputy Kucharski searched a bedroom in the trailer located at 12932 Avery Road, Town of Gibson, Manitowoc County, Wisconsin, the residence of Steven A. Avery, Sr. Deputy Tyson located two firearms directly above the bed. Deputy Kucharski collected as evidence a .22 caliber semi-automatic rifle and a .50 caliber black powder muzzleloader. Deputy Kucharski noted that there was masking tape attached to the muzzleloader with the name "Steve" written on it. Deputy Tyson located a desk in the same room, which contained numerous magazines addressed to Steven A. Avery, Sr. at 12932 Avery Road. Also located in Avery's unattached garage were 11 spent .22 caliber shell casings.

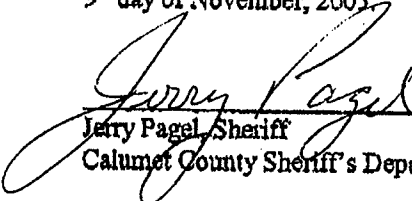
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15. Your affiant is informed that on November 7, 2005, Deputy Dan Kucharski of the Calumet County Sheriff's Department located a Toyota ignition key adjacent to a night stand in the bedroom of Steven Avery's residence located at 12932 Avery Road in the Town of Gibson, County of Manitowoc, State of Wisconsin. Your affiant is informed that the key located adjacent to the nightstand in the bedroom of Steven Avery's residence was successfully used in the ignition of the Toyota Rav 4 owned by Teresa M. Halbach. The key started the vehicle.
16. Your affiant is informed that on November 8, 2005, while executing the search warrant of the Avery Auto Salvage property located on Avery Road in the Town of Gibson, Manitowoc County, Wisconsin, officers from the Calumet County Sheriff's Department located two Wisconsin license plates in a scrapped vehicle located on the north end of the salvage yard. The plates were crumpled. Said license plates were later identified as license plates that belonged to the 1999 Toyota Rav 4 owned by Teresa M. Halbach.
17. Your affiant is informed that on November 8, 2005, while executing the search warrant of the property located near the residence of Steven Avery located at 12932 Avery Road in the Town of Gibson, Manitowoc County, Wisconsin, officers located bone fragments and teeth in a fire pit area located approximately 20 yards south of a detached garage that is located next to the residence of Steven Avery. Officers also located remnants of steel belts of approximately six tires that were used as fire accelerants.
18. The bone fragments located were transported by Dorinda Freymiller, a special agent with the Division of Criminal Investigations, to Ken Bennett, a retired forensic anthropologist. Upon his analysis, Bennett believed that there were no distinctive animal bones present and that all the bones were very likely human and from only one individual. Bennett believed that based on the characteristics of the ilium bone, the bones are from an adult human female.
19. The five tooth fragments that were located in the burn pit area were delivered to Dr. Donald Simley, who is board-certified in forensic dentistry and has been practicing forensic dentistry since 1981. Dr. Simley's analysis of the five tooth fragments was that they appeared to be human teeth.
20. Your affiant states that a number of five-gallon type buckets have been located on the Avery compound property which appear to have been utilized to distribute the burned remains.
21. Your affiant received information that when Teresa Halbach was last seen, she was wearing blue jeans, a white button-down shirt, and a spring jacket. Your affiant believes that based upon Teresa's lack of contact with her employer and family members and her vehicle being abandoned at the Avery Auto Salvage yard, that Teresa Halbach is the

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victim of a crime including, but not limited to, homicide, sexual assault, kidnapping, false imprisonment, and theft.

Respectfully submitted this
9th day of November, 2005.


Jerry Pagel, Sheriff
Calumet County Sheriff's Department

Subscribed and sworn to before me
this 9th day of November, 2005.


Notary Public, State of Wisconsin

My commission: 15 permanent

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